

Message

From: Tanner, Barbara [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=85D9A3F12DFA4B4ABAAE51BC4723EDDB-TANNER, BARBARA]
Sent: 4/1/2019 4:34:26 PM
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Subject:

News Articles (For EPA Distribution Only)

BNA.COM ARTICLES

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For Bayer on Trial, Weeding Out Roundup-Wary Jurors Isn't Easy

By Joel Rosenblatt

Posted March 28, 2019, 8:19 AM

Days before Bayer AG's second Roundup trial got under way, the company got an advance look at why it stood a good chance of getting thumped.

Bayer Keeps Roundup Faith After Losing Second Trial on Cancer (Correct)

By Joel Rosenblatt, Robert Burnson and Tim Loh

Posted March 28, 2019, 9:18 AM Updated March 29, 2019, 11:03 AM

Bayer AG vowed to keep defending its weedkiller Roundup after losing a second trial over claims it causes cancer, indicating that the embattled company isn't yet ready to consider spending billions of dollars to settle thousands of similar lawsuits.

Tennessee Bill Blocking Cities' Plastic Bans Heads to Governor

By Chris Marr

Posted March 28, 2019, 12:29 PM

Tennessee would block cities and counties from banning or taxing disposable food containers under legislation that's headed to the governor's desk.

EPA Tackles Worker Safety Charges in 13 New Chemical Rules (1)

By Pat Rizzuto

Posted March 28, 2019, 2:32 PM Updated March 28, 2019, 6:12 PM

The EPA March 28 tackled head on allegations that it neglected worker safety protections in deciding to allow new chemicals to enter commerce, releasing "significant new use rules" for 13 substances.

ALL ABOUT: Saying Goodbye to Packing Peanuts

By Sylvia Carignan

Posted March 29, 2019, 7:00 AM

Polystyrene, commonly referred to as Styrofoam, is ever-present in daily life—it's in refrigerators, microwaves, food containers, and packing peanuts, among other products.

New York State to Start Recycling Food Waste (1)

By Keshia Clukey

Posted March 31, 2019, 2:37 PM Updated March 31, 2019, 5:38 PM

New York State will boost its food donation and recycling efforts, requiring large generators of food waste to donate edible food and more sustainably dispose of inedible items, under legislation passed March 31 by the state Senate and Assembly.

Toy maker Lego Heirs' \$16B Fund Is Bracing for Bleaker Future

By Christian Wienberg
Posted April 1, 2019, 9:40 AM

The fund managing the wealth of the billionaires behind Danish toymaker Lego said a growing list of threats to the global economy is shaping its investment strategy.

INSIDEEPA.COM ARTICLES

Despite Past Controversy, EPA Plans Annual Reviews Of IRIS' Priorities

EPA is planning an annual review of its program office priorities for Integrated Risk Information System (IRIS) assessments, a top official told lawmakers, despite controversy that the first such review stalled IRIS' work for months and led to charges that a top political appointee interfered in the review to drop the formaldehyde assessment.

Justices Grapple With Whether To Narrow EPA Regulatory Deference

Supreme Court justices at March 27 oral argument appeared unlikely to completely overturn a key precedent granting deference to EPA and other federal agencies' interpretations of their regulations, though several of the justices appeared open to the Trump administration's call to narrow the deference.

GREENWIRE ARTICLES

'This is insane!' — ethics officials vexed by Pruitt condo

Kevin Bogardus, E&E News reporter



Pruitt rented this Capitol Hill condominium from the wife of a lobbyist whose clients lobbied EPA. Kevin Bogardus/E&E News

Published: Friday, March 29, 2019

EPA ethics officials went outside the agency for help after they learned about former Administrator Scott Pruitt's lease of a lobbyist-tied condo on Washington, D.C.'s Capitol Hill.

Emails recently released under the Freedom of Information Act show last year's struggles of career and political EPA staff as they tried to understand the ethics implications of Pruitt's rental of an apartment linked to a lobbyist who had business before the agency. The agency would release not one but two ethics memos to explain how Pruitt's unique lease — paying relatively low market rent of \$50 per night for only the nights he spent in the condo — did not constitute a gift.

E&E News reported then about the haphazard process behind the memos, with ethics officials learning key details about the condo first from the news rather than political superiors (*Greenwire*, April 11, 2018).

One year ago today, ABC News **broke** the story that Pruitt had lived in the condo. Scandals over his first-class travel and costly security measures had already been simmering at that point. The condo story, however, unleashed a torrent of new information on Pruitt's mismanagement and heavy spending that eventually forced him to resign from EPA more than three months later.

The newly disclosed records show the other people consulted during the condo rental brouhaha. Kevin Minoli, then EPA's principal deputy general counsel and designated agency ethics official, authored an initial **memo** that said Pruitt's condo lease was not a gift. That document soon fell under intense scrutiny, and Minoli began work on what became a second **memo**, which laid out the factual analysis for his original determination.

Not 'a get-out-of-jail-free card for Pruitt'

Before its release, a draft of that second memo was shared with Walter Shaub, the former Office of Government Ethics director who became a vocal critic of the Trump administration and joined the Campaign Legal Center.

"This confuses me," Shaub said in an **email** at the time. "Was the ethics analysis based on occupying one room or was it based on renting the whole residence?"

Shaub, now a senior adviser to Citizens for Responsibility and Ethics in Washington, told E&E News that Pruitt's \$50-per-night arrangement might have made sense for a single room in a house occupied by a family or other boarders, but it did not if he had a whole house to himself steps away from the Capitol. There were reports later that Pruitt had not just a room but the entire condo and that his daughter stayed with him, as well.

"Ultimately, the second memorandum Minoli issued seemed to me to acknowledge that he didn't have all the relevant information he would have liked to have when he wrote the first memo," Shaub said in an email. "Although even this second memo was not at all the memo I would have written, I was relieved that it seemed to negate the effect of his first memo as a get-out-of-jail-free card for Pruitt."

Shaub's dialogue with EPA ethics officials would begin earlier after he sent a **list** of questions to Minoli about his first memo. Shaub said he was surprised by that initial memo saying Pruitt had paid market value to rent the condo.

Shaub said he "threw a Hail Mary pass and contacted EPA's ethics office to see if he would talk to me."

CNN first **reported** on Minoli's second memo, saying it was shared with the cable news outlet by Shaub's then-employer, the Campaign Legal Center.

Before Shaub contacted him, Minoli had concerns about how his first memo was being portrayed by EPA in the media. He wrote an email expressing his worries that it was being used to provide cover to actions by Pruitt and EPA that may have helped clients of Steven Hart, the lobbyist whose wife was Pruitt's landlord at the condo.

"The memo from Friday in no way speaks to those actions, either by in endorsing them or calling them in the question [sic]," Minoli wrote in underlined text. "The memo cannot be cited in response to questions raised about actions other than signing the lease and living in the space consistent with the lease."

It would later emerge that Hart had contact with EPA while Pruitt stayed in the condo, including passing on requests from clients and joining a meeting with the then-administrator. Hart has disputed that he was lobbying the agency at the time.

Other ethics officials were also worried about the fallout from Pruitt's condo scandal. Justina Fugh, EPA's senior counsel for ethics, reached out to David Apol, OGE's general counsel as well as its then-acting director.

"I had a long chat with Dave Apol today," reads the subject line of Fugh's email sent to her staff around midnight. The bulk of the message is then redacted.

The Ecological Rights Foundation won through litigation the release of emails cited in this story. EPA referred E&E News to those records in response to its FOIA request for documents behind the memos.

Apol would also be invited to give a speech to EPA career officials last April as ethics questions swirled around Pruitt.

"I have made an emergency request for time on the agenda in order to address the current ethics crisis facing the agency, including those included in your letter," Minoli said in an email obtained by E&E News under a separate FOIA request.

"If you are available, I request your attendance at least for the opening of the session so that you can underscore the importance of an agency's senior leaders demonstrating their commitment to the Standards of Ethical Conduct — and particularly the importance of the role of career senior leaders," he wrote.

Request for investigation

The records also include questions from reporters and the public about EPA's ethics memos related to Pruitt's condo. In addition, several called for an investigation.

Jeffrey Fowley, a former EPA attorney, filed a complaint with OGE, asking the federal government's chief ethics agency to review Pruitt's condo lease. He also shared his worries with EPA's general counsel office and the EPA inspector general.

"It was totally ignored by the Office of General Counsel," Fowley told E&E News. "The inspector general also did not take it up. I also don't necessarily fault them for not taking it up because they have gotten so many complaints under this administration."

Fowley also said he spoke to Apol after the then-ethics head sent a letter to EPA urging the agency to investigate the allegations against Pruitt, including those swirling around the condo.

"I was trying to put career folks like Minoli and political appointees like [General Counsel Matt Leopold] on notice that they don't have to play along with this stuff," Fowley said about his complaint.

EPA IG spokeswoman Tia Elbaum told E&E News to submit a FOIA request when asked how the watchdog office responded to Fowley. An OGE spokesman declined to comment when contacted for this story.

EPA's internal watchdog would investigate whether Pruitt's condo lease was considered a gift. The IG later closed the case, saying its findings were inconclusive, since investigators did not interview Pruitt before he resigned.

In addition, the inspector general did not find in another review that EPA ethics officials were improperly pressured to render ethics opinions on Pruitt's condo lease.

In response to written questions for this story, EPA spokesman James Hewitt referred E&E News to the two ethics memos as well as the IG's inconclusive investigation into whether Pruitt's condo lease was a gift.

'Maybe I should leave my phone in my car'

What's also apparent from the emails is frustration among EPA's career staff in dealing with another Pruitt scandal.

At the request of senior EPA aides, Fugh would step out of a movie after work hours to give a verbal opinion on the condo lease. She would later give a written confirmation of that opinion in an email sent around 1 a.m.

Fugh also recounted the night's events in a separate email to Minoli that early morning. "I missed the first 10 minutes of the movie, but since I'd read the book, it wasn't hard to catch up," she joked at the end of the email.

Fugh would tell her staff that she had "a weird 24 hours" after EPA first weighed in on the ethics of Pruitt's condo lease. She noted how she did not have all the facts.

"Over the course of today, there are new details about Pruitt being dropped, like the fact that his daughter stayed there too. This is insane!" she said in one email.

The senior EPA ethics attorney would also receive messages of support from in and outside the agency. One EPA lawyer sent her "an electronic hug" in one email.

"The problem, as we know now, is that I wasn't given all of the facts. That's where the trouble began," Fugh said. "Or maybe I should leave my phone in my car the next time I go to the movies."

Minoli has since left EPA and is now a partner at law firm Alston & Bird LLP.

When asked for comment for this story, Minoli referred E&E News to statements he gave last year on the process behind the two memos related to Pruitt's condo lease. He acknowledged then that times were tense, but he felt no pressure from his higher-ups.

"I would say while the day may have been an intense one, when the time came, I am confident that the memo I wrote was my own and it was not done under the direction or the pressure of anyone," Minoli told E&E News about when he drafted the first memo.

Last year, Minoli would share E&E News' story on the memos internally with his staff on the day it was published.

"Hi Folks- I expect there will be a lot of chatter around the office regarding the attached story, so I wanted to make sure all of the managers had it," he said in the email, adding that he was happy to discuss it.

<https://www.eenews.net/greenwire/2019/03/29/stories/1060134235>

EPA appointee heads to State

Kevin Bogardus, E&E News reporter

Published: Friday, March 29, 2019

Aaron Ringel, one of President Trump's early political appointees at EPA, is heading elsewhere in the administration.

Ringel will join the State Department next week to become a senior adviser in the Bureau of Energy Resources, a source told E&E News. He has been an EPA deputy associate administrator for congressional affairs.



Aaron Ringel. Ringel/LinkedIn

"Aaron has been an integral part of OCIR's operations for the last two years. I appreciate his counsel and will greatly miss his leadership and friendship," Troy Lyons, EPA's associate administrator for its Office of Congressional and Intergovernmental Relations,, said in a statement. "We wish him all of the best as he continues his service to the American people."

Político first reported Ringel's EPA departure. He first joined the agency in the spring of 2017 (*Greenwire*, April 14, 2017).

Ringel has served in the Marine Corps and has years of experience working for House Republicans, according to his LinkedIn profile.

He was deputy chief of staff for Rep. Richard Hudson (R-N.C.) as well as legislative director for then-Rep. Mike Pompeo (R-Kan.), now Trump's secretary of state.

<https://www.eenews.net/greenwire/2019/03/29/stories/1060134223>

Wheeler, Perry and host of admin officials due on the Hill

Manuel Quiñones, E&E News reporter



EPA Administrator Andrew Wheeler is due on Capitol Hill this week along with several other administration leaders to defend the fiscal 2020 spending request. Environment and Public Works Committee

Published: Monday, April 1, 2019

Several hearings this week may focus on the disconnect between the White House's spending blueprint and statements from top officials and President Trump.

EPA Administrator Andrew Wheeler will make his first appearance on Capitol Hill for this latest round of budget hearings.

Wheeler will have to defend the administration's proposal to slash his agency by nearly a third, particularly tomorrow during a House panel hearing controlled by Democrats.

Last month the president talked about spending for the Great Lakes just weeks after his budget proposed to dramatically reduce cleanup efforts.

"I support the Great Lakes. Always have. They are beautiful," Trump said during remarks in Michigan.



President Trump during a rally in Michigan last week. C-SPAN

"They are big, very deep, record deepness, right? And I'm going to get, in honor of my friends, full funding of \$300 million for the Great Lakes Restoration Initiative," he said.

Energy Secretary Rick Perry will also return to the Hill tomorrow to appear before the Senate Energy and Natural Resources Committee.

He will have to respond to questions about the administration's repeated efforts to slash technology appropriations, even as he himself has indicated his support of congressional efforts to dramatically increase such spending.

Back on the Hill, as well, will be NASA Administrator Jim Bridenstine. Lawmakers on the House Science, Space and Technology Committee may press him on climate change.

Other hearings will feature witnesses from the National Park Service, the Nuclear Regulatory Commission and Interior Department bureaus.

Schedule: The House Appropriations subcommittee hearing on the National Nuclear Security Administration is Tuesday, April 2, at 9:45 a.m. in 2362-B Rayburn.

Witnesses:

- Lisa Gordon-Hagerty, administrator of NNSA.
- Adm. James Caldwell, deputy administrator for NNSA's Office of Naval Reactors.
- Charles Verdon, deputy administrator for defense programs at NNSA.
- Brent Park, deputy administrator for defense nuclear nonproliferation at NNSA.

Schedule: The House Appropriations subcommittee hearing on the EPA budget is Tuesday, April 2, at 10 a.m. in 2359 Rayburn.

Witness: EPA Administrator Andrew Wheeler.

Schedule: The House Science, Space and Technology Committee hearing on the NASA budget is Tuesday, April 2, at 10 a.m. in 2318 Rayburn.

Witness: NASA Administrator Jim Bridenstine.

Schedule: The Senate Energy and Natural Resources Committee hearing on the DOE budget is Tuesday, April 2, at 10 a.m. in 366 Dirksen.

Witness: Energy Secretary Rick Perry.

Schedule: The Senate Environment and Public Works Committee hearing on the Nuclear Regulatory Commission is Tuesday, April 2, at 10 a.m. in 406 Dirksen.

Witnesses: TBA.

Schedule: The House Natural Resources subcommittee hearing on the National Park Service is Wednesday, April 3, at 9 a.m. in 1324 Longworth.

Witnesses: TBA.

Schedule: The House Appropriations subcommittee hearing on NPS, the Fish and Wildlife Service and the U.S. Geological Survey is Wednesday, April 3, at 1 p.m. in 2008 Rayburn.

Witnesses:

- Dan Smith, NPS deputy director.
- Margaret Everson, principal deputy director at FWS.
- Jim Reilly, USGS director.

Schedule: The House Appropriations subcommittee hearing on science, energy and environmental management is Wednesday, April 3, at 1:45 p.m. in 2362-B Rayburn.

Witnesses:

- Mark Menezes, DOE undersecretary for energy.
- Paul Dabbar, DOE undersecretary for science.

Schedule: The House Appropriations subcommittee hearing on the Labor budget is Wednesday, April 3, at 2 p.m. in 2358-C Rayburn.

Witness: Labor Secretary Alex Acosta.

Schedule: The House Appropriations subcommittee hearing on the Commerce budget is Wednesday, April 3, at 2:15 p.m. in H-309 Capitol.

Witness: Commerce Secretary Wilbur Ross.

Schedule: The Senate Appropriations subcommittee hearing on the EPA budget is Wednesday, April 3, at 9 a.m. in 124 Dirksen.

Witness: Wheeler.

Schedule: The Senate Appropriations subcommittee hearing on the FEMA budget is Wednesday, April 3, at 9:30 a.m. in 138 Dirksen.

Witness: Acting FEMA Administrator Peter Gaynor.

Schedule: The Senate Appropriations subcommittee hearing on the NNSA budget is Wednesday, April 3, at 2:30 p.m. in 138 Dirksen.

Witnesses: Hagerty, Verdon, Park and Caldwell.

Schedule: The House Appropriations subcommittee hearing on Interior bureaus is Thursday, April 4, at 9:30 a.m. in 2008 Rayburn.

Witnesses:

- Brian Steed, acting director, Bureau of Land Management.
- Walter Cruickshank, acting director, Bureau of Ocean Energy Management.
- Scott Angelle, director, Bureau of Safety and Environmental Enforcement.

Schedule: The Senate Commerce, Science and Transportation Committee hearing on maritime agencies is Thursday, April 4, at 10:30 a.m. in 562 Dirksen.

Witnesses:

- Mark Buzby, administrator, Transportation Department's Maritime Administration.
- Adm. Karl Schultz, commandant, Coast Guard.

<https://www.eenews.net/eedaily/2019/04/01/stories/1060137501>

CHEMICAL WATCH ARTICLES

US Congress round-up

28 March 2019 / Confidentiality & right-to-know, United States

House E&C leadership welcomes EPA release of PV29 studies

House Energy and Commerce Chairman Frank Pallone (D–New Jersey) and environment subcommittee Chairman Paul Tonko (D–New York) praised the US EPA's release of studies underlying its TSCA evaluation of pigment violet 29 as "a win for government transparency and the credibility of the TSCA programme."

"We are pleased these documents can finally be made available to the American people, and welcome the reopening of the public comment period on this important risk evaluation," they said.

Senate Democrats probe EPA on EtO

Senators Tom Carper (D–Delaware), Tammy Duckworth (D–Illinois) and Dick Durbin (D–Illinois) have asked EPA Administrator Andrew Wheeler to furnish information related to the agency's efforts to assess the health risks and potential illegal releases of ethylene oxide (EtO) in Illinois.

Their request follows news reports related to the potential for higher cancer rates coinciding with higher detected levels of EtO near a facility in the state.

ASBC: Pallone-Shimkus cosmetics bill 'needs strengthening'

The American Sustainable Business Council, in partnership with the Safe Cosmetics Business Network, has circulated a sign-on letter calling for amendments to a [discussion draft](#) of a cosmetics reform bill backed by Congressman Pallone and John Shimkus (R–Illinois)

The business coalition has identified several areas where the bill "needs strengthening", including:

- requiring full fragrance, flavour and colourant ingredient disclosure to the Food and Drug Administration (FDA);
- protecting the rights of states to pursue their own cosmetics safety legislation;
- expanding the breadth and depth of the bill's safety standard; and
- mandating supply chain transparency.
-

The deadline for companies to sign on in support of the letter is 29 March.

Related Articles

- [US EPA publishes REACH studies underlying TSCA PV29 evaluation](#)
- [Congress revisits legislation to overhaul US cosmetics rules](#)
-
- **Further Information:**
-
- [Pallone-Tonko statement](#)
- [EtO statement](#)
- [ASBC sign-on letter](#)

Echa round-up

28 March 2019 / CLP Regulation, Europe, REACH

Echa alerts registrants to upcoming draft decisions

Echa plans to send out 11 draft decisions on information requests to registrants for comments.

The documents will be sent on 18 April and registrants will have 30 days to take part.

The decisions are on substances evaluated by member states in 2018 where further information is required to clarify the identified concerns.

One representative should send consolidated comments on behalf of all addressed registrants of a substance.

The agency will publish conclusions on its website.

The substances are:

- 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6-dodecafluoro-2-(trifluoromethyl)-hexane;
- 3-methylpyrazole;
- butanone;
- amphoteric fluorinated surfactant;
- 1,3-dihydro-4(or 5)-methyl-2Hbenzimidazole-2-thione;
- 1,3-dihydro-4(or 5)-methyl-2Hbenzimidazole-2-thione, zinc salt;
- titanium dioxide;
- diantimony trioxide;
- antimony sulphide;
- antimony; and
- 2,5,7,10,11,14-hexaoxa-1,6-distibabicyclo[4.4.4]tetradecane.

CLH proposals submitted

Proposals have been submitted for:

- benzophenone; and
- divanadium pentaoxide

One intention has also been received for cumene.

Free conference on safer chemicals

Echa is running a free conference on safer chemicals from 21-22 May in Helsinki. The first day provides hands-on training on changes to notifying hazardous chemicals to poison centres. The second day focuses on three themes: compliance of data, substances of concern, and safe use in the supply chain.

The conference will also be webstreamed.

Reporting exposure data for authorised substances

The agency has a new format for downstream users of authorised substances to report occupational exposure measurements or biomonitoring data related to the tasks performed at their sites.

The idea is to ensure a high quality of exposure information provided in review reports or initial applications for authorisation covering several downstream sites.

Availability of the information will enable industry to better evaluate the appropriateness and effectiveness of current risk management measures, Echa says.

Note: Your access to this subscriber-only article is through a corporate subscription

Further Information:

- [Draft decisions](#)
- [Registry of intentions](#)
- [Free conference registration](#)
- [New reporting format](#)

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OTHER ARTICLES

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The Intelligencer

Department of Defense and Environmental Protection Agency officials faced scrutiny over their response to **toxic chemicals** during a Senate hearing ...

Monsanto, Roundup and Cancer: Cutting Chemicals From Agriculture Is a Cost We Can't yet Afford ...
Newsweek

But such a ban would impose enormous costs on food production and consumers, and also on the environment, as older, more **toxic chemicals** would ...

ATSDR's **Toxic Substances Portal**
CDC Blogs

ATSDR's Toxic Substances Web Portal makes it easy for researchers and individuals to find information about **toxic chemicals**, understand how these ...

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Uinta County Herald

Phyton Biotech is known for its "**green chemistry**" in order to create sustainable resources. However, Kochendoerfer did say that using the natural ...

First 40 Candidate **Chemicals** for Prioritization Under TSCA Announced
The National Law Review

EPA has taken another step in implementing the **Toxic Substances Control Act (TSCA)**. It has announced the first set of 20 candidate chemicals for ...

70% Of Produced Found To Be Contaminated With Pesticides
Anti Aging News

"90% of Americans have detectable pesticide levels in their blood and urine." and "The EPA is currently working to protect a **toxic chemical** that causes ...

More than 50000 Housing NZ homes still contain **toxic lead-based paint**

Stuff.co.nz

Senior lecturer for Auckland University's school of **chemical** sciences Dr Viji Sarojini ... "The issue with lead itself is that it is **poisonous**," Sarojini said.

News in Digest: Nicotine, nightwatch and nasty nibbles

The Copenhagen Post - Danish news in english

The smoke can contain more than 80 **toxic chemicals**, so being in an operating theatre for a whole day is the equivalent of smoking 25-30 cigarettes.